

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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ELINOR FABIAN,

Plaintiff,

v.

Case No. 12-11887

MACY'S RETAIL HOLDINGS, INC.,

Defendant.

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**ORDER DIRECTING NOTICE CLARIFYING DEFENDANT'S CITIZENSHIP**

On April 26, 2012, Defendant Macy's Retail Holdings, Inc., removed this suit from the Oakland County Circuit Court, invoking the court's diversity-of-citizenship jurisdiction under 28 U.S.C. § 1332. See 28 U.S.C. § 1332(a)(1) ("The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000 . . . and is between . . . citizens of different States."). As discussed with counsel during the scheduling conference on May 17, 2012, the court is not satisfied that Defendant has pleaded sufficient facts to ascertain whether the parties are of diverse citizenship. See *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994) ("It is to be presumed that a cause lies outside th[e] limited jurisdiction [of federal courts], and the burden of establishing the contrary rests upon the party asserting jurisdiction." (citation omitted)).

While Defendant alleges that it "is incorporated in the State of New York," (Notice of Removal ¶ 5, Dkt. # 1), a corporation, for diversity purposes, is also deemed a citizen of the state in which it has its principal place of business, 28 U.S.C. § 1332(c)(1). Thus,

Defendant must identify its principal place of business so that the court can ensure it is a citizen of a different state than Plaintiff. If this is not the case, the court lacks jurisdiction over the matter and the case will be remanded to the Oakland County Circuit Court. Accordingly,

IT IS ORDERED that Defendant is DIRECTED to file, on or before **May 30, 2012**, a notice clarifying its citizenship under 28 U.S.C. § 1332(c)(1). Specifically, Defendant must identify its principal place of business.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: May 18, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 18, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522